

### REMARKS

Reconsideration of this application is requested.

Will the Examiner please indicate whether the drawings submitted for Figs. 4-7 on July 9, 2002, are acceptable.

Claims 1, 3-7, 9-17 and 19-24 have been rejected by the Examiner under 35 USC §103(a) as being unpatentable over Rosenberg, et al. (U.S. 6,363,357 B1).

Rosenberg discloses the following in lines 42-67 of column 2:

"The instant invention solves the multiple copy distribution problem discussed above by providing a method for selling a digital content product in an online commercial transaction including the steps of encoding the digital content product; creating a digital file including a header having first information about the digital content product and at least one corporate rate associated with authorization to make a predetermined number of copies of the digital content product upon purchase by a buyer, and the encoded digital content product; storing, as a product for sale, the digital file at a host computer; providing access to the host computer by a buyer computer so that the buyer computer has access to the digital file and downloading the digital file to the buyer computer; displaying at least some of the first information together with the at least one corporate rate in a dialogue box at the buyer computer; subsequent to selection by the buyer via the buyer computer of the at least one corporate rate, establishing communication between the buyer computer and a broker computer so that the broker computer accounts for cost associated with the at least one corporate rate and authorizes the purchase by the buyer of the predetermined number of copies of the digital content product by sending a product key to the buyer computer for use in decrypting the encrypted digital content product."

Rosenberg does not disclose or anticipate the system and method claimed by Applicants in claims 1 and 17, as amended, and those claims dependent thereon.

Rosenberg does not disclose or anticipate a system or method wherein the buyer is allowed to download a portion of the data item so that the buyer may review the data

item without the possibility of downloading the data item in its entirety without paying the seller and wherein the fee for downloading the data item has a range specified by the Seller and defined by a maximum amount, and a minimum amount wherein the maximum amount is the fee posted by the Seller, and a minimum amount is what the Seller is willing to collect from the buyer for downloading the data item, so that the buyer is allowed to download the data item if the buyer's proposed monetary sum for downloading the data item is greater or equal to the minimum amount specified by the Seller.

In view of the above, claims 1, 3-7, 9-17, and 19-24 are patentable. If the Examiner has any questions, would he please contact the undersigned at the telephone number noted below.

Respectfully submitted,



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**Version with Markings to Show Changes Made**

**In the claims:**

1. (Twice Amended) A data repository system to allow a seller to store a data item that the seller wishes to sell electronically to a buyer for a fee, said repository system comprising:

- a) a data storage;
- b) an information storage; and
- c) a monetary storage having a seller's account and a buyer's account, wherein

- (i) the data storage is used to store the data item; and

- (ii) the information storage is for posting the fee for downloading the data item from the data storage, and the buyer deposits the fund in the monetary storage prior to downloading the data item; wherein said data repository system further comprises a program means capable of communicating with the data storage, the information storage and the monetary storage so as to store a fund deposited by the buyer to pay for downloading the data item into the buyer's account;

- (iii) to allow the buyer to download a portion of the data item so that the buyer may review the data item without the possibility of downloading the data item in its entirety without paying the seller;

- (iv) to deduct a monetary sum from the deposited fund according the posted fee in the information storage;

- (iv) to allow the buyer to download the data item from the data storage;

and

- (vi) to credit the monetary sum to the seller's account, wherein the fee for downloading the data item has a range specified by the Seller and defined by a maximum amount, and a minimum amount wherein the maximum amount is the fee posted by the Seller, and a minimum amount is what the Seller is willing to collect from the buyer for downloading the data item so that the buyer is

allowed to download the data item if the buyer's proposed monetary sum for downloading the data item is greater or equal to the minimum amount specified by the seller.

17. (Twice Amended) A method of providing a service by a service provider to allow a seller to electronically sell a data item for a fee to a buyer who downloads the data item through a telecommunication network, said method comprising the steps of:

a) storing the data item in a data repository;

b) depositing a fund in the data repository;

c) downloading a portion of the data item so that the buyer may review a portion of the data item without the possibility of downloading the entire data item without paying the seller;

d) downloading the data item from the repository; and

e) deducting a monetary sum from the fund and crediting the deducted sum to the seller, wherein the fee for downloading the data item in its entirety has a range specified by the Seller and defined by a maximum amount, and a minimum amount wherein the maximum amount is the fee posted by the Seller, and a minimum amount is what the Seller is willing to collect from the buyer for downloading the data item so that the buyer is allowed to download the data item if the buyer's proposed monetary sum for downloading the data item is greater or equal to the minimum amount specified by the seller.